

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10114-DPW
)	
1. ANTONIO CARDONA,)	
a/k/a "ANT," and)	
)	
2. JEROME LASSITER,)	
a/k/a "BUTTA,")	
)	
Defendants.)	

GOVERNMENT'S QUALIFIED ASSENT
TO LASSITER'S "MOTION FOR ADVANCE PRE-SENTENCE REPORT"
AND ASSENTED-TO MOTION FOR EXCLUSION OF TIME
UNDER THE SPEEDY TRIAL ACT

Now comes the United States of America, by and through the undersigned counsel, and submits herewith its qualified assent to defendant Jerome Lassiter's "Motion for Advance Pre-Sentence Report" and files herewith its motion (assented to by defendant Jerome Lassiter) to exclude for purposes of the Speedy Trial Act the period of time from September 20, 2004 through a date two weeks after the disclosure to the government and to defendant Jerome Lassiter of any such pre-plea Pre-Sentence Report. In support thereof, the government states and/or sets forth the following:

1. On September 20, 2004, defendant Jerome Lassiter ("Lassiter") filed with this Honorable Court his "Motion for Advance Pre-Sentence Report." The government assents to the preparation of such a PSR provided that any delay involved in the preparation of such a report does not become a basis for severing the government's case against the two defendants and forcing the

government and the Court to hold two trials instead of one and based on Lassiter's explicit representation that he will not file or join in any such severance motion.

2. The government also moves this Court to issue an order excluding for purposes of the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(8)(A) and for the reasons set forth in Lassiter's aforementioned motion the period of time from September 20, 2004 through a date two weeks after the disclosure to the government and to Lassiter of a PSR. The government submits that the ends of justice are served by allowing Lassiter "to determine prior to trial or to a change of plea what issues may exist potentially affecting the defendant's sentence in the event he is convicted" (Defendant's Motion for Advance Pre-Sentence Report) and that the interests of justice outweigh the defendants' and the public's interest in a speedy trial.

3. Lassiter, through counsel, has assented to the exclusion of time as proposed above by the government.

4. It is well-settled that the "exclusion of time attributable to one defendant is applicable for all codefendants for speedy trial purposes." United States v. Barnes, 159 F.3d 4, 10 (1st Cir. 1998); United States v. Santiago-Becerril, 130 F.3d 11, 19 (1st Cir. 1997).

5. Based on the foregoing, the government respectfully submits that an order of excludable delay should issue pursuant to

Local Rule 112.2(A)(2), 18 U.S.C. § 3161(h)(1)(F) and 18 U.S.C. § 3161(h)(8)(A) as to both defendants for the period from September 20, 2004 through and including a date two weeks after the disclosure to the government and to Lassiter of a PSR for Lassiter.

Respectfully submitted,

ASSENTED-TO
JEROME LASSITER
By his Attorney

MICHAEL J. SULLIVAN
United States Attorney

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Date: September 22, 2004

CERTIFICATE OF SERVICE

I, Patrick M. Hamilton, do hereby certify that a copy of the foregoing has been served this date electronically upon Edward P. Ryan, Jr., Esq., 61 Academy Street, Fitchburg, MA 01420, counsel of record for defendant Antonio Cardona.

Date: September 22, 2004

/s Patrick Hamilton/
Patrick M. Hamilton